IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 34800 of 2007(P)

PETITIONER:

K.P.LEELA, W/O. SIVANANDAN,
POOVATHUMKANDI HOUSE, EDAPPAL P.O.,
THUYYAM, MALAPPURAM-676 505.

BY ADV. SRI.A.MOHAMED MUSTAQUE
SRI.K.R.AVINASH (KUNNATH)

RESPONDENTS:

---

1. THE DEPUTY TAHSILDAR,
TALUK OFFICE, PONNANI-679 577, MALAPPURAM DIST.

2. THE DISTRICT COLLECTOR,
MALAPPURAM-676 505.

BY GOVERNENT PLEADER SRI. BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C).34800/2007

Dated this the 26th day of November, 2007

JUDGMENT

Under Ext.P3 seizure mahazar, a lorry bearing registration No.KL-13-K-2788 of which the petitioner claims to be the registered owner, has been seized on the allegation that it was involved in the unauthorized transportation of river sand. Complaining that though an application has been made to the second respondent for the interim custody of the vehicle, no order has been passed thereon, this writ petition has been filed praying to release the vehicle.

2. In view of the pendency of the proceedings before the second respondent, it is for the second respondent to complete the proceedings under Rule 27 of the Protection of River Banks Regulation of Removal of Sand Rules. At this stage, in view of the pendency of the proceedings, I am not inclined to direct the release of the lorry. In my view the proper course is to direct the second respondent

to pass orders under Rule 27 of the Rules, with notice to the petitioner.

3. Accordingly I dispose of this writ petition with a direction to the second respondent to finalize the proceedings in respect of the lorry mentioned, with notice to the registered owner of the vehicle as expeditiously as possible at any rate within ten days on receipt of a copy of this judgment.

4. Petitioner shall produce a copy of this judgment before the second respondent for compliance.

ANTONY DOMINIC
Judge

mrcs